

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION
www.flmb.uscourts.gov**

**In re:
WADE MARTIN ROME
KATHLEEN MALONEY ROME**

Case No: 6:15-bk-02498-KSJ

Chapter 7

Debtor(s).

**CARLA P. MUSSELMAN, CHAPTER 7.
TRUSTEE FOR THE ESTATE OF,
WADE MARTIN ROME AND
KATHLEEN MALONEY ROME,**

Plaintiff,

v.

**Adversary Proceeding
No. 6:15-ap-00130-KSJ**

**WADE MARTIN ROME and
KATHLEEN MALONEY ROME,**

Defendant(s).

**ANSWER TO COMPLAINT TO DETERMINE DISCHARGEABILITY OF DEBT
PURSUANT TO 11 U.S.C. § 727(a)(2)(B), (a)(3), (a)(4)(A), (a)(4)(D) AND (a)(5) FILED BY
CARLA P. MUSSELMAN, CHAPTER 7. TRUSTEE FOR THE ESTATE OF, WADE
MARTIN ROME AND KATHLEEN MALONEY ROME
AND AFFIRMATIVE DEFENSES**

Defendants, **WADE MARTIN ROME** and **KATHLEEN MALONEY ROME**, (the “Defendants”), by and through their undersigned counsel, serve their Answer, paragraph by paragraph, to the Adversary Proceeding Complaint to Determine Dischargeability of Debt Pursuant to 11 U.S.C. § 727(a)(2)(B), (a)(3), (a)(4)(A), (a)(4)(D) AND (a)(5) (the “Complaint”) filed by Plaintiff, **CARLA P. MUSSELMAN, CHAPTER 7. TRUSTEE FOR THE ESTATE OF, WADE MARTIN ROME AND KATHLEEN MALONEY ROME** and states as follows:

PARTIES, JURISDICTION, AND VENUE

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Denied.
6. Admitted.
7. Admitted.

BACKGROUND ALLEGATIONS

Schedules

8. Without knowledge, therefore denied.
9. Admitted.
10. Denied.
11. Denied.
12. Denied.
13. Admitted.
14. Without knowledge, therefore denied.
15. Admitted.
16. Admitted.
17. Admitted.
18. Admitted.
19. Denied.

20. Denied.

21. Admitted.

Entrepreneurial or Alter Ego Business Ventures

22. Without knowledge, therefore denied.

23. Admitted.

24. Denied.

25. Denied.

26. Admitted.

27. Denied.

28. Denied.

29. Denied.

30. Denied.

31. Admitted.

32. Admitted.

33. Without knowledge, therefore denied.

34. Admitted.

Litigation

35. Admitted.

36. Admitted.

B&H Auto Sales, LLC

37. Denied.

38. Denied.

39. Without knowledge, therefore denied.

40. Without knowledge, therefore denied.
41. Without knowledge, therefore denied.
42. Without knowledge, therefore denied.
43. Without knowledge, therefore denied.
44. Without knowledge, therefore denied.
45. Without knowledge, therefore denied.
46. Without knowledge, therefore denied.
47. Without knowledge, therefore denied.
48. Without knowledge, therefore denied.
49. Without knowledge, therefore denied.
50. Without knowledge, therefore denied.
51. Without knowledge, therefore denied.
52. Without knowledge, therefore denied.
53. Without knowledge, therefore denied.
54. Denied.
55. Without knowledge, therefore denied.
56. Denied.
57. Denied.
58. Without knowledge, therefore denied.
59. Without knowledge, therefore denied.
60. Without knowledge, therefore denied.

Residence/Domicile

61. Admitted.

- 62. Denied.
- 63. Admitted.
- 64. Without knowledge, therefore denied.
- 65. Admitted.
- 66. Without knowledge, therefore denied.
- 67. Admitted.
- 68. Without knowledge, therefore denied.
- 69. Denied.
- 70. Denied.

Insurance

- 71. Admitted.
- 72. Admitted.
- 73. Denied.
- 74. Without knowledge, therefore denied.
- 75. Admitted.

F&S Settlement

- 76. Denied.

Cash Transactions

- 77. Without knowledge, therefore denied.
- 78. Denied.
- 79. Without knowledge, therefore denied.
- 80. Without knowledge, therefore denied.
- 81. Without knowledge, therefore denied.

82. Denied.

83. Denied.

Tulving and Gold Silver Purchases

84. Admitted.

85. Without knowledge, therefore denied.

86. Without knowledge, therefore denied.

87. Without knowledge, therefore denied.

88. Without knowledge, therefore denied.

89. Admitted.

90. Without knowledge, therefore denied.

91. Admitted.

92. Without knowledge, therefore denied.

93. Without knowledge, therefore denied.

94. Admitted.

95. Without knowledge, therefore denied.

96. Without knowledge, therefore denied.

97. Denied.

98. Without knowledge, therefore denied.

99. Denied.

100. Denied.

Taxes

101. Admitted.

102. Without knowledge, therefore denied.

- 103. Denied.
- 104. Denied.
- 105. Denied.
- 106. Without knowledge, therefore denied.
- 107. Admitted.

Trustee Inspection

- 108. Admitted.
- 109. Denied.
- 110. Denied.
- 111. Admitted.
- 112. Denied.
- 113. Admitted.
- 114. Admitted.
- 115. Denied.

Omitted Assets

- 116. Denied.
- 117. Denied.
- 118. Denied.
- 119. Denied.
- 120. Denied.
- 121. Denied.
- 122. Denied.
- 123. Admitted.

124. Admitted.

125. Without knowledge, therefore denied.

Financial Records and Property of the Estate

126. Admitted.

127. Denied.

COUNT I: 11 U.S.C. § 727(a)(2)(B)

128. Admitted.

129. Admitted.

130. Denied.

COUNT II: 11 U.S.C. § 727(a)(3)

131. Admitted.

132. Admitted.

133. Denied.

COUNT III: 11 U.S.C. § 727(a)(4)(A)

134. Admitted.

135. Admitted.

136. Denied.

137. Denied.

138. Denied.

COUNT IV: 11 U.S.C. § 727(a)(4)(D)

139. Admitted.

140. The Trustee alleges and incorporates the allegations in paragraphs 1 through 127 as though fully set forth herein.

141. Denied.

COUNT V: 11 U.S.C. § 727(a)(5)

142. Admitted.

143. Admitted.

144. Denied.

AFFIRMATIVE DEFENSES

1. Plaintiff fails to state a claim for relief under 11 U.S.C. § 727(a)(2)(B).
2. Plaintiff fails to state a claim for relief under 11 U.S.C. § 727(a)(3).
3. Plaintiff fails to state a claim for relief under 11 U.S.C. § 727(a)(4)(A).
4. Plaintiff fails to state a claim for relief under 11 U.S.C. § 727(a)(4)(D).
5. Plaintiff fails to state a claim for relief under 11 U.S.C. § 727(a)(5).

GENERAL DENIAL

To the extent an allegation, count or prayer for relief has not been expressly admitted above, Defendants deny each and every allegation, count and prayer for relief of Plaintiffs.

PREVAILING PARTY FEE REQUEST

The Defendants have retained counsel and are obligated to pay said counsel a reasonable fee for their service. Pursuant to 11 United States Code § 105(a), in the event Defendants are the prevailing party, Defendants seeks recovery of attorney's fees incurred herein against Plaintiff.

RESERVATION OF RIGHT TO AMEND

Defendants reserve the right, with proper leave of court, to amend their Answer, and also to add any further defenses, counterclaims, or cross-claims, as necessary.

WHEREFORE, Defendants, **WADE MARTIN ROME and KATHLEEN MALONEY ROME**, respectfully requests this Honorable Court dismiss the Complaint filed by Plaintiff, award Defendants there costs and attorneys' fees associated with defending this action, and grant such further relief this Court deems just and proper.

/s/ Jeffrey S. Ainsworth

Jeffrey S. Ainsworth, Esquire
Florida Bar No.: 060769
E-mail: *jeff@bransonlaw.com*
BransonLaw PLLC
1501 E. Concord Street
Orlando, Florida 32803
Telephone: (407) 894-6834
Facsimile: (407) 894-8559
Second e-mail: *shelly@bransonlaw.com*

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the **ANSWER**, has been furnished on this 22nd day of October, 2015 by electronic transmission and/or prepaid first class US mail to: Bradley M. Saxton, Esquire, Winderweedle, Haines, Ward & Woodman, P.A., Post Office Box 1391, Orlando, Florida and the Defendant.

/s/ Jeffrey S. Ainsworth

Jeffrey S. Ainsworth, Esquire
BransonLaw PLLC